

NTSB Order No. EA-3690

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 23rd day of September, 1992

Respondent .

Docket SE-11956

The Administrator has moved to dismiss the notice of appeal in this proceeding because it was not, as required by Section 821.47 of the Board's Rules of Practice (49 CFR Part 821),¹ filed by the respondent within 10 days after the law judge rendered an

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to §821.8) a notice of appeal within 10 days after an oral initial decision or an order has been served."

oral decision in the matter on April 22, 1992, at a hearing at which respondent failed to appear.² We will grant the motion, to which respondent has submitted no reply.

Although it appears from respondent's notice of appeal, filed May 28, 1992, that he experienced some difficulties in his efforts to arrive at the hearing site on time, no reason appears in that document for his failure to appeal from the law judge's decision within the 10 days allowed by our rules.³ Absent a showing of good cause that would provide a basis for excusing his lateness, his appeal must be dismissed. See Administrator v. Hooper, NTSB Order EA-2781 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted, and
2. The respondent's appeal is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

²The law judge affirmed an order of the Administrator revoking respondent's airline transport pilot certificate for his alleged violations of sections 61.3(a), 61.59(a)(2), 135.244(a), and 135.267(b)(1) of the Federal Aviation Regulations, 14 CFR Parts 61 and 135.

³Respondent's nonappearance at the hearing would not operate to relieve him from the responsibility to ascertain the disposition of his appeal from the revocation order rendered in his absence and to file a timely notice of appeal from any decision he might want to challenge before the Board. See Administrator v. Henthorn, NTSB Order No. EA-3321 (1991).